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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,742	12/28/2000	Joseph W. Cole	COLEP.0006P	7208

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EXAMINER	
COBURN, CORBETT B	
ART UNIT	**PAPER NUMBER**
3714	

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/750,742	COLE ET AL.	
	Examiner	Art Unit	
	Corbett B. Coburn	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 April 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *47-60* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *47-60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 47-51 & 57-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fey (*Slot Machines, A Pictorial History Of The First 100 Years*) in view of Luciano, Jr. et al. (US Patent Number 6,050,895).

Claim 47: Fey teaches a 1904 Big Six slot machine. (Page 88) The Big Six is a game station with a base unit having a first side and an opposing second side, and a first end and a second end. The base unit defining at said first side a player station for use by a first single player generally facing said first side of said base unit. The base unit includes a base portion (legs) and a console extending upwardly from the base portion. The base portion and console are positioned between the first end and the second ends of the base unit. The console includes a first face corresponding to the first side of said base unit. The Big Six has a first and second display (the dials) that are positioned sufficiently proximate to one another to be viewed at the same time by the first single player of the first station – a player can clearly see both dials. There is a first game controller (the gears controlling the dial on the left) adapted to present first wagering game information corresponding to a first wagering game on the first display in response to a first wager placed by the first player wager placed by the player. There is a second game controller

(the gears controlling the dial on the right) adapted to present second wagering game information on the second display corresponding to a second wagering game in response to a second wager placed by the first player. The player may concurrently view said first and second wagering game information presented on said first display and said second display. The first and second game controllers are configured to independently generate the first and second wagering game information such that the first and second wagering games and their outcomes are independent. There is at least one wager-accepting device (the coin heads at the top of each game) at the game station adapted to accept a wager placed by a player of the player station to play either or both wagering games and allocate values to one or more of the first or second game. (The player may play either or both games by placing coins in the appropriate slot.) There is at least one input device (the handle below each dial) permitting the player to provide input to the game station affecting the first and second gaming information presented to the player by the first and second display – the player activates the handle to start the game. The Big Six fails to teach a first and second video display or electronic game controllers. Luciano teaches a first and a second electronically controlled video display (105a & b) at the first face of said console. These displays are controlled by separate electronic controllers (107a & 107b). It is extremely well known to update technology to replace mechanical devices with electronic components because the computerized versions are more flexible. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the Big Six in view of Luciano to include video displays electronically controlled by computerized controllers in order to update the technology and increase the

flexibility of the game.

Claim 48: Fey teaches the invention substantially as claimed including placing two gaming units back to back. (See the front cover.) This configuration is ***EXTREMELY*** common in casinos because it allows casinos to make the best use of available floor space. In a back-to-back configuration, the second player corresponds to the first player of claim 47. The third and fourth games correspond to the first and second games respectively.

Claim 49: Luciano teaches a master controller (512) that is configured to control the first and second game controllers. Each gaming terminal (100a & b) is disclosed as being the same as that depicted in Fig 1. Each gaming terminal then has a first and second controller (Fig 1b) that is controlled by the controller (512). (See Fig 5 & Col 11, 27 – Col 12, 8.)

Claim 50: Luciano's base portion is generally upwardly extending and defines a first vertical surface. Fig 1b shows that the game controllers are mounted on the respective vertical surfaces extending upwardly from the base.

Claim 51: Luciano teaches a housing located between the console (where the screen is located) and the second end. There is a first and second wager-accepting device (106 & 108) in the housing.

Claim 57-60: Fey teaches providing chairs for the convenience of players. (Page 212) It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided chairs for the convenience of players. The height of the cabinet, the location of controllers within the cabinet and the physical location of devices associated

with the cabinet are all a matter of design choice. Such factors do not patentably distinguish over the prior art since they do not solve any stated problem or produce unexpected results.

3. Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fey and Luciano as applied to claim 47 above, and further in view of Lucero (US Patent Number 5,457,306).

Claim 52: Fey and Luciano teach the invention substantially as claimed, but fail to teach a keypad mounted between the displays on each face of the console. Lucero teaches a keypad mounted on a slot machine cabinet that allows the player to use a general-purpose charge card to wager on the game. This allows a player who does not have a house card to play without going through the procedure for getting one. (Col 1, 67 – Col 2, 8) This flexibility increases the likelihood of players betting. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Fey and Luciano in view of Lucero to mount a keypad in the slot machine cabinet (i.e., on the face of the console) in order to allow a player who does not have a house card to play without going through the procedure for getting one, thus providing flexibility that increases the likelihood of players betting. Regarding the placement of the keypad on the face of the console, placing the keypad between the two displays would facilitate use of the keypad with either or both of the displays. This would increase player convenience. It would have been obvious to one of ordinary skill in the art at the time of the invention to have placed the keypad between the two displays in order to facilitate use of the keypad with either or both of the displays, thus increasing player convenience.

4. Claims 53-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fey and Luciano in view of Walker (US Patent Number 6,113,495).

Claim 53 & 55: Fey and Luciano teach the invention substantially as claimed (see Claim 47) but do not teach a non-game video feed to the first or second display such that the player may see the video feed on one of the same displays presenting the first and second game information. Walker teaches displaying all game information and a non-game video feed (i.e., television programming) on a single display. Video display area (346) displays video feed and slot machine reels. (Col 7, 17-49) Walker teaches that displaying video enhances player retention. (Title) It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Fey and Luciano in view of Walker to include a non-game video feed to the first or second display such that the player may see the video feed on one of the same displays presenting the first and second game information in order to enhance player retention.

Claim 54: Fey teaches the invention substantially as claimed including placing two gaming units back to back. (See the front cover.) This configuration is ***EXTREMELY*** common in casinos because it allows casinos to make the best use of available floor space. In a back-to-back configuration, the second player corresponds to the first player of claim 47. The third and fourth games correspond to the first and second games respectively.

Claim 56: Walker teaches a gaming machine with two video screens (362 & 346). The video feed may be displayed on either device. Player interface (370) is used to select the

desired video and must be used to determine which display the video is played on since the video is not played on both displays.

Response to Arguments

5. Applicant's arguments filed 25 April 2006 have been fully considered but they are not persuasive.

6. Applicant's arguments are drawn to the claims as amended and are, for the most part, answered in the rejection above.

7. Applicant argues that the Fey reference fails to give details of the construction of the Big Six slot machine. As pointed out in the rejection above, the Fey reference gives enough details to read upon the claimed invention. The claimed invention does not require details in the inner workings of the Big Six since the claimed invention is directed to the physical arrangement of slot machines in a cabinet. The Big Six clearly shows that the claimed arrangement has been well known in the art for over one hundred years.

8. Applicant argues that it is not obvious to use Luciano's displays to update the Big Six. Examiner disagrees. The march of technology is well known – that's why we have a Patent Office. As technology changes, it is well known to use the latest technology to carry out functions previously out by outdated technology. Just as the steam engine replaced the horse and the internal combustion engine replaced the steam engine, the electro-mechanical reel replaced the mechanical wheel and the computer-controlled video screen has replaced the electro-mechanical reel. This is a natural progression in the art.

9. Applicant argues that Fey fails to teach back-to-back slot machines. Applicant is directed to the front cover of Fey. Note that Examiner is not stating that the Big Six is configured back-

to-back. Rather, it would have been obvious to one of ordinary skill in the art at the time of the invention to have configured slot machines back-to-back in view of the custom in the industry as illustrated by Fey.

10. Applicant's argument that Luciano's wager accepting devices are entirely external is not commensurate with the scope of the claims. Applicant's claims do not require the wager-accepting device to be within the cabinet.

11. Applicant argues that the physical dimensions of a gaming cabinet patentably distinguish over gaming cabinets that perform the same functions in the same way. Thus Applicant is arguing that a console extending upward 24 inches above the seat surface is patentably distinct from a console extending upward 25 inches from the seat surface. Examiner cannot agree. There has been no showing of criticality of the particular dimensions claimed. Such unsupported limitations cannot be the basis for patentability, since where patentability is said to be based upon particular dimensions or another variable in the claim, the applicant must show that the chosen variables are critical. *In re Woodruff*, 919 F.2d 1575, 1578, 16 USPQ 2d 1934 (Fed. Cir. 1990). Furthermore, mere optimization of known parameters is considered to be within the ability of those of ordinary skill. *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955); see also *In re Hoeschle*, 406 F.2d 1403, 160 USPQ 809 (CCPA 1969).

12. Applicant argues that Fey does not teach symmetrical arrangement of the slot machines. Applicant is referred to the picture on the cover of Fey.

13. Applicant argues that there is no way for the player to allocate a wager to a first or second game. Clearly, choosing which coin slot receives the wager allocates the wager to a first or second game.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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